

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL GRAHAM, *et al.*,

Plaintiffs,

-v-

CHA CHA MATCHA, INC., *et al.*,

Defendants.

23 Civ. 9911 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 26, 2024, defendants filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 15. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by March 18, 2024. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by April 8, 2024, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by March 18, 2024. Defendants' reply, if any, shall be served by April 1, 2024. At the time any reply is served, the moving party shall supply the Court

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiffs' opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: February 27, 2024
New York, New York